


Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p> <p>2002/0301(COD)</p>	Procedure completed
<p>Limitation of emissions of volatile organic compounds due to the use of organic solvents incertain paints and varnishes and vehicle refinishing products</p> <p>Amending Directive 1999/13/EC 1996/0276(SYN) Amended by 2007/0212(COD) Amended by 2017/0353(COD)</p> <p>Subject 3.40.01 Chemical industry, fertilizers, plastics 3.70.02 Atmospheric pollution, motor vehicle pollution 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)</p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health, Consumer Policy	PPE-DE LISI Giorgio	19/02/2003
	Former committee responsible		
	ENVI Environment, Public Health, Consumer Policy	PPE-DE LISI Giorgio	19/02/2003
	Former committee for opinion		
	ITRE Industry, External Trade, Research, Energy RETT Regional Policy, Transport and Tourism	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	Environment	2536	27/10/2003
	Environment	2491	04/03/2003
European Commission	Commission DG Environment	Commissioner	

Key events			
23/12/2002	Legislative proposal published	COM(2002)0750	Summary
13/01/2003	Committee referral announced in Parliament, 1st reading		
04/03/2003	Debate in Council	2491	

09/09/2003	Vote in committee, 1st reading		Summary
09/09/2003	Committee report tabled for plenary, 1st reading	A5-0292/2003	
24/09/2003	Debate in Parliament		
25/09/2003	Decision by Parliament, 1st reading	T5-0411/2003	Summary
07/01/2004	Council position published	14780/2/2003	Summary
15/01/2004	Committee referral announced in Parliament, 2nd reading		
08/03/2004	Vote in committee, 2nd reading		Summary
08/03/2004	Committee recommendation tabled for plenary, 2nd reading	A5-0136/2004	
30/03/2004	Decision by Parliament, 2nd reading	T5-0194/2004	Summary
21/04/2004	Final act signed		
21/04/2004	End of procedure in Parliament		
30/04/2004	Final act published in Official Journal		

Technical information

Procedure reference	2002/0301(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
	Amending Directive 1999/13/EC 1996/0276(SYN) Amended by 2007/0212(COD) Amended by 2017/0353(COD)
Legal basis	EC Treaty (after Amsterdam) EC 095
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/5/20195

Documentation gateway

Legislative proposal	COM(2002)0750	23/12/2002	EC	Summary
Economic and Social Committee: opinion, report	CES0750/2003 OJ C 220 16.09.2003, p. 0043-0045	18/06/2003	ESC	
Committee report tabled for plenary, 1st reading/single reading	A5-0292/2003	09/09/2003	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0411/2003 OJ C 077 26.03.2004, p. 0265-0382 E	25/09/2003	EP	Summary
Council statement on its position	15554/2003	02/12/2003	CSL	
Council position	14780/2/2003 OJ 0 079 30.03.2004, p. 0001-0014 E	07/01/2004	CSL	Summary

Commission communication on Council's position	COM(2004)0016	12/01/2004	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	A5-0136/2004	08/03/2004	EP	
Text adopted by Parliament, 2nd reading	T5-0194/2004 OJ C 103 29.04.2004, p. 0029-0131 E	30/03/2004	EP	Summary
Follow-up document	COM(2011)0297	27/05/2011	EC	Summary
Follow-up document	COM(2013)0704	16/10/2013	EC	Summary

Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2004/42](#)

[OJ L 143 30.04.2004, p. 0087-0096](#) Summary

[Corrigendum to final act 32004L0042R\(02\)](#)

[OJ L 173 27.06.2019, p. 0096](#)

Limitation of emissions of volatile organic compounds due to the use of organic solvents uncertain paints and varnishes and vehicle refinishing products

PURPOSE : to present a new proposal to reduce the content of Volatile Organic Compounds (VOCs) in a series of decorative paints and varnishes. **CONTENT** : the proposal aims to reduce VOCs emissions by setting the maximum values for the VOC content in certain categories of decorative paints and vehicle refinishing products, limits that have to be respected for the marketing of these products within the EU. However, in accordance with the principle of subsidiarity, some flexibility is provided, for example by allowing Member States discretion in the development and implementation of market surveillance systems. The proposal will for the first time set EU-wide limits on solvent content in paints, varnishes and vehicle refinishing products to come into effect in two phases: 2007 and 2010. More specifically, as regards a two-phase approach, this will give the sectors affected adequate time to adapt without compromising the long-term environmental benefits. The first phase will apply from 1 January 2007 while the second will apply from 1 January 2010. For vehicle refinishing products, there will be only one phase, which will apply from 1 January 2007. ?

Limitation of emissions of volatile organic compounds due to the use of organic solvents uncertain paints and varnishes and vehicle refinishing products

The committee adopted the report by Giorgio LISI (EPP-ED, I) amending the proposal under the 1st reading of the codecision procedure. The main amendments were as follows: - decorative paints and varnishes and vehicle refinishing products should not contain substances that have been classified as carcinogens, mutagens or toxic to reproduction (CMR) under Directive 67/548/EEC; - the proposed definition of volatile organic compounds (VOCs) should be widened: whereas the Commission defines VOCs as having a boiling point of 250° C or less, MEPs wanted to include substances with a boiling point up to 280°C. This would mean that harmful solvents such as Texanol would now be covered by the directive; - product labels should indicate the potential risks of exposure to solvents and how to use the products wisely, taking into account the distinction between products for indoor and outdoor use. The label should specify the quantity of solvent per volume of product in grammes/litre, provide a graded colour and/or numeric scaling based on existing best practice in the sector and give a clear warning about the potential direct and indirect effects on human health and the environment due to emissions of VOCs. Moreover, products should be labelled to prevent cleaning of products into waterways and drains; - to avoid any watering-down of existing stringent national legislation following harmonisation at Community level, Member States should not be prevented from taking measures to protect workers and consumers by prohibiting or restricting the use of certain high VOC-containing products. However, to prevent any deliberate and unjustified restraint on trade, Member States should inform the Commission of any measures they have adopted which go beyond the requirements of the directive and the grounds for maintaining them; - exemptions to the directive should be allowed for coatings for certain "old and treasured vehicles" as well as for special paints for the restoration and maintenance of designated historic buildings; - there should be an obligation for Member States to exchange information on the use of organic solvents and their potential substitutes. The information should be made publicly available on the Commission's website and the Commission should publish updated guidance for each product category every two years. ?

Limitation of emissions of volatile organic compounds due to the use of organic solvents uncertain paints and varnishes and vehicle refinishing products

The European Parliament adopted a resolution drafted by Giorgio LISI (EPP-ED, Italy) and made some amendments to the Commission's

proposals. (Please refer to the document dated 09/09/03.) However, Parliament did not follow the environment committee on one important point: on the question of the boiling point of volatile organic compounds, Parliament rejected the committee's amendment of substances with a boiling point up to 280°C such as the solvent Texanol. All amendments aiming at modifying the limit values were rejected, though a single new limit value for interior/exterior trim and cladding paints for wood and metal was inserted. Furthermore: - Parliament added a new recital stating that the purpose of the Directive is to prevent direct and indirect emissions of VOCs into the general or human environment due to the use of organic solvents in decorative paints and varnishes and vehicle refinishing products, and to prevent direct risks to human health, by limiting the maximum content of VOCs; - the exemption relating to old and treasured vehicles must not represent more than 0.5 % of total sales in the vehicle refinishing sector; - for the purpose of the restoration and maintenance of buildings designated by national authorities as being of particular historical value, Member States may licence the use of special paints which do not meet the solvent limit values. In the tri-annual reports required under the Directive, Member States must inform the Commission about the number of licences granted and the nature and volume of the special paints licensed; - no later than 2 years after entry into force of the Directive, the Commission must submit a report assessing the actual and anticipated reduction in ozone formation as a result of this Directive.?

Limitation of emissions of volatile organic compounds due to the use of organic solvents uncertain paints and varnishes and vehicle refinishing products

To recall, at its plenary session of 23 September 2003, the European Parliament adopted 40 amendments to the Commission proposal, out of the 83 amendments that were tabled. Out of the 40 amendments adopted, the Commission accepted 16 either in full, or in part or in principle. Out of the 40 amendments adopted by Parliament, the Council incorporated 26 amendments in full, in part or in principle. Further to these amendments from Parliament, the Council also introduced a number of own, new amendments to the Commission's proposal. As regards the amendments incorporated in full or in part in the Common position, these concern the following issues: - requesting an explicit reference to the products covered by the Directive; - the need for allowing special paints etc. for the maintenance of old and treasures vehicles; - deleting the reference to human health from Article 1; - clarifying that the Directive does not preclude or prejudice national or Community measures for the protection of the health of workers or consumers is covered in substance by Article 1 paragraph 4; - on the definition of VOC content which is covered in its entirety by the new version of Article 2 paragraph 2. As a consequence, a clarification has also been added related to products in their ready for use condition; - on the definition of "coating"; - emphasising that the Directive does not prejudice nor affect National or Community measures for the protection of health of workers and their working environment with a higher level of protection is covered in substance by the new paragraph 4 of Article 1; - pointing to the need allow the sales in limited quantities of products, which do not comply with the VOC limit values, for the repair of vintage is modified accordingly; - on labelling is partly taken up in Article 4, while recital 12 specifies that the Directive complements Community provisions on the labelling of chemical substances and preparation. In this context, moreover, it is recalled that Article 1 paragraph 4 on further Community or national measures also applies to labelling requirements; - allowing Member States to grant derogations for special paints for the restoration and maintenance of building of special historical value is covered; - on measures to protect the health of workers; - on the definition of "matt coatings for interior walls and ceilings" has been taken in full and Annex II.A a) has been modified accordingly; - on the definition of vehicle refinishing products is taken up in part. However, the additional coverage of other activities (the original coating of road vehicles and the coating of trailers) was not supported by the Council. As regards the main innovations introduced by Council, these aim to: - delete the term "decorative" used to specify the paints covered by the Directive. The term "decorative paints" did not correspond to common usage in some Member States and were perceived as being too restrictive. The sub-categories of products covered by the Directive are exhaustively listed in Annex I; - add definitions of "preparation", "film" and "placing on the market"; - to revise the definition of "VOC content"; - on the issue of Requirements : include a reference to the new Annex III, listing the analytical methods to be used for determining compliance with the Directive; - include a derogation for products used exclusively in registered or authorised installations according to Directive 1999/13/EC, where pollution abatement equipment is used (to avoid repetitions); - include a transitional arrangement in respect to existing stocks; - stipulate that the deadlines for the first two reports on the implementation of the Directive has been fixed to 18 months after the dates for compliance with limit values laid down in Annex II, i.e.: 1 January 2007 and 1 January 2010. The following reports will be prepared every five years; - clarify that the Commission's review has been entirely reformulated in the Council's common position. According to this Article, the Commission is invited to present to the European Parliament and to the Council two reports, accompanied, if appropriate, by proposals to amend the Directive. Paragraphs 1 and 2 of Article 9 contain a list of elements which the Commission is requested to examine. The first report should be prepared in 2008 while the second one, based on the experience gained in applying the Directive, is foreseen in 2012 (i.e. at the latest 30 months after the date of implementation of the VOC content limit values of Annex II phase II); - Annex I, part 2.1 a) : the first indent defining preparatory and cleaning products for vehicle refinishing (gunwash) has been reworded to include clearly all preparatory products; - Annex III (new) lists the analytical methods to be used for determining compliance with the VOC limit values of the Directive. These methods are to be adapted, if necessary, by the Commission in accordance with a regulatory committee procedure. Finally, the recitals have undergone some additions and changes, consequent to the new elements of the common position.?

Limitation of emissions of volatile organic compounds due to the use of organic solvents uncertain paints and varnishes and vehicle refinishing products

The Commission supports the Common Position. In particular the Commission welcomes the clarification of the purpose and scope of the Directive. The Commission is confident that this clarification adequately responds to the political concerns expressed by both Parliament and Council concerning protection of the health of workers and consumers.?

Limitation of emissions of volatile organic compounds due to the use of organic solvents uncertain paints and varnishes and vehicle refinishing products

The committee adopted the report by Giorgio LISI (EPP-ED, I) approving the Council's common position without amendment under the 2nd reading of the codecision procedure. ?

Limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products

The European Parliament adopted a resolution drafted by Giorgio LISI (EPP-ED, I) approving the Council's common position.?

Limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products

PURPOSE : to limit the total content of volatile organic compounds (VOCs) in certain paints and varnishes and vehicle refinishing products. **LEGISLATIVE ACT :** Directive 2004/42/CE of the European Parliament and of the Council on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC. **CONTENT :** The aim of this Directive is to limit the total content of VOCs in certain paints and varnishes and vehicle refinishing products in order to prevent or reduce air pollution resulting from the contribution of VOCs to the formation of tropospheric ozone. To achieve this objective the Directive approximates the technical specifications for certain paints and varnishes and vehicle refinishing products. These products are set out in Annex I. This Directive complements Community provisions on the labelling of chemical substances and preparations. The Directive provides that Member States must ensure that the products set out in Annex I are placed on the market within their territory after the dates laid down in Annex II only if they have a VOC content not exceeding the limit values set out in Annex II and comply with the labelling requirements set out in the directive. These require that the label must indicate: - the subcategory of the product and the relevant VOC limit values in g/l as referred to in Annex II; - the maximum content of VOC in g/l of the product in a ready to use condition. Member States must designate a competent authority responsible for fulfilling the obligations laid down in this Directive, and must inform the Commission not later than 30 April 2005. They must also set up a monitoring programme for the purpose of verifying compliance with the Directive. The results of the monitoring programme and the categories and quantities of products licensed must be reported. The first two reports must be submitted to the Commission 18 months after the dates for compliance with the VOC content limit values laid down in Annex II. Subsequently a report will be submitted every five years. Member States are obliged to permit free circulation of products falling under the scope of the Directive which, in their ready for use condition, comply with the requirements of the Directive. The Commission is invited to submit to the European Parliament and the Council by 2008 at the latest, a report examining: - the broad scope and potential for making reductions in the VOC content of products outside the scope of the Directive including aerosols for paints and varnishes; - the possible introduction of a further (phase II) reduction in the VOC content of vehicle refinishing products; - any new element relating to the socio-economic impact of the application of phase II as foreseen for paints and varnishes. The commission should also submit at the latest 30 months after the date of implementation of the VOC content limit values of Annex II phase II, a report taking account any technological developments in the manufacture of paints, varnishes and vehicle refinishing products. This report will examine the broad scope and potential for making further reductions in VOC content of products inside the scope of the Directive, including the possible distinction between paints used for interiors and exteriors. **DATE OF TRANSPOSITION :** 30 October 2005. **ENTRY INTO FORCE :** 30 April 2004.?

Limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products

In accordance with the requirements of Directive 2004/42/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products ("the Paints Directive"), the Commission presents a report giving:

- a summary of the state of transposition of the Directive;
- an assessment of the implementation of the Directive in Member States;
- an analysis of the possibility of further reduction of the volatile organic compounds ("VOC") content limits.

Transposition: whilst few Member States met the deadline of 30 October 2005, all Member States completed transposition for the whole national territory shortly after that date. The Commission has not identified any major instances of non-conformity of the Member States' transposing legislation.

Implementation: at the time of gathering the data for this report (covering the year 2007), the implementation of the Paints Directive in Member States was still in its very early stages as the VOC limits from Annex I only apply from 1 January 2007. Furthermore, the Directive granted a one year transitional period allowing non-compliant products produced before 1 January 2007 to be placed on the market. The information received so far shows that many Member States have established programmes for monitoring compliance of products placed on the market. However, the Commission has indications that in 2007 several Member States were still behind schedule in setting up their inspection programmes. Adequate monitoring of manufacturers and importers is of particular importance for ensuring compliance with the Directive's VOC limits and labelling obligations.

Improvements to the monitoring programmes and practices are therefore required and Member States will be encouraged to share their experiences and learn from established best practices. It is expected that a more thorough evaluation of Member States' compliance with the Directive's monitoring obligations will be possible on the basis of the second national implementation reports covering the year 2010 which are due by 30 June 2011.

With regard to compliance, the report notes that several cases of non-compliance were found during the inspections. The number of breaches of the VOC limits was generally below 5% of the cases, while breaches of the labelling requirements were more frequent and often around 20%.

Review of the Paints Directive: with the assistance of external consultants, the Commission performed an assessment on measures that could potentially result in a further reduction of VOC emissions, i.e. the widening of the scope of the Directive and the tightening of its VOC limit values for vehicle refinishing products. It found that even regulating a very wide range of different products would deliver only modest potential emission reductions and this would come with significant implementation problems, as well as with increased administrative burden and costs.

In particular, important concerns remain with regard to the uncertain impacts on consumer behaviour and the likely increase of the administrative burden of regulating non-coating products.

Options for scope extension: during the review, the environmental, economic and social impacts of 17 options for a possible extension of the scope of the Paints Directive were assessed. One of the products assessed was aerosol for paints and varnishes, which is explicitly mentioned in the Directive. The option of including such paints in the scope of the Directive was found to have a very small VOC reduction potential. Furthermore, this product group comprises a high variety of product types used for different purposes, which would make defining appropriate VOC limits difficult and monitoring complex. Introducing limit values for the VOC content of these products in the Directive would in fact require switching to other coating systems, but the existing alternatives may cause a loss of product performance. A phase out of the aerosols for paints and varnishes was therefore considered to be inappropriate. Amongst the other options considered, the highest potential for VOC reduction (126 kt/y) was expected from introducing a VOC limit value (10%) for deodorants and anti-perspirants. However, this measure was not recommended as it would de facto ban the use of aerosol- and pump-type spray systems and the existing alternatives seem to have limited acceptance from consumers. Further research to allow the development of alternative spraying systems for deodorants is therefore needed before considering this option further. None of the remaining options were estimated to reduce VOC emissions by more than 40 kt/year. For the non-coating products in particular, there is a lack of knowledge on the anticipated market evolution and consumer behaviour to fully assess the potential effects of their inclusion in the scope of the Directive.

Stricter VOC limit values for vehicle refinishing products: Annex II(B) of the Paints Directive sets out the maximum VOC content of vehicle refinishing products. The feasibility and impacts of strengthening the VOC limit values for each of the vehicle refinishing product subcategories have been assessed. The overall conclusion from this assessment was that it would not be appropriate to propose stricter VOC limit values for these coatings: (i) for most of the subcategories it was found not to be feasible to lower the limit values, either because no products with lower VOC content are expected to be available on the market soon or because of a lack of appropriate test methods; (ii) for the topcoats and for the special finishes, the options for optimizing the current requirements were estimated to deliver a VOC reduction of only about 3,5 kt/year while potentially increasing the administrative burden because of more complicated monitoring.

Lastly, the Commission notes that a strengthening of the existing VOC emission reduction measures seems not to be required to achieve the intermediate objectives of the [2005 Thematic Strategy on Air Pollution](#). This will be further assessed over the coming years as part of the ongoing work related to the review of the Thematic Strategy. Therefore, amending the scope or limit values of the Paints Directive is not justified at this stage.

Limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products

The Commission presents its second report providing an overview of the implementation of Directive 2004/42/EC on the limitation of emissions of volatile organic compounds (VOC) due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products by Member States (the Paints Directive). The first report was adopted in 2011.

This report, summarising the main findings of the assessment of information received from Member States, focuses on two facets of implementation of the Paints Directive; namely:

- (1) what monitoring programmes have been established to check the requirements of the Paints Directive i.e. actions principally undertaken by Member State competent authorities;
- (2) how well Member States comply with the technical requirements of the Paints Directive i.e. the implementing actions taken by the manufacturers, importers, wholesalers and retailers of paints and varnishes.

Monitoring programmes: the information for 2010, as provided by Member States, demonstrates that the monitoring of compliance with VOC content limits and labelling requirements has progressed, or remained at least at the same level, as in 2007.

Member States have a variety of approaches to monitoring compliance. Although individual Member States showed big variations, the total number of inspections of premises carried out in 2010 across the EU-27 was significant, with some 4 700 inspections for checking the VOC content of products and/or their labelling. Again with big variations at a Member State level, a large number of paint and varnish samples were analysed for VOC content with over 19 000 analyses in the EU-27 in 2010. The number of checks on product labels, either by visual inspection or by other methods, was in the order of 121 000 across the EU-27 in 2010.

Those Member States which reported zero, or very low levels, of monitoring in 2010 cited a number of reasons. Many Member States were hampered by a lack of resources, particularly financial. There were also issues with a shortage of certified laboratory capacity for the analysis of product samples.

VOC limits: the Paints Directive defines two sets of limit values for the maximum content of VOCs in paint products and varnishes (in gram per litre of product that is 'ready for use'). The 'Phase I limit values' applied from 1 January 2007. Stricter, 'Phase II VOC limit values, came into force on 1 January 2010.

- For the Phase I VOC limits the overall compliance rate was relatively high at 98.7%.
- For the stricter Phase II VOC limits the overall compliance rate was, again, relatively high at 97.46%.

Labelling and non-compliant products: out of some 121 000 samples checked for labels in 2010, 94.2% were found to be compliant. The highest rate of non-compliance was amongst importers.

Most non-compliance with both the VOC content limits and, at the same time the labelling requirements, related to category 1.1d products ('Interior/exterior trim and cladding paints for wood, metal or plastic').

The most common sanction taken by Member States in the case of non-compliance with the VOC content limits was withdrawal of products from the market, as required by the Paints Directive.

The report concludes that there appears to be a need for better enforcement of the labelling requirements. Moreover, Member States that are lagging behind are urged to rapidly take the necessary measures to fully implement the obligations regarding monitoring programmes.

The Commission will closely monitor progress on these issues and will continue to assist Member States in further improving their level of performance. Member States are therefore recommended to continue their efforts in targeting monitoring and enforcement where it is most effective and efficient in reducing the placing on the market of non-compliant paint and varnish products.